

CITY OF GIG HARBOR

ORDINANCE NO. 625

AN ORDINANCE ADOPTING STATE STATUTE RCW 46.61.517, WHICH PROVIDES THAT EVIDENCE OF A PERSON'S REFUSAL TO SUBMIT TO A BREATH TEST IS ADMISSIBLE INTO EVIDENCE AT A SUBSEQUENT CRIMINAL TRIAL, AND SETTING AN EFFECTIVE DATE.

WHEREAS, RCW 46.61.517 states that the refusal of a person to submit to a test of the alcoholic content of the person's blood or breath under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial, and;

WHEREAS, breath test evidence is an important part of any DWI prosecution, and;

WHEREAS, the City of Gig Harbor relies on the Model Traffic Code and periodically enacts other state statutes that are not part of the code, and;

WHEREAS, the City of Gig Harbor has not yet adopted RCW 46.61.517, and;

WHEREAS, the City of Gig Harbor finds it necessary to definitively guarantee the admissibility of such evidence;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Section 10.04.010 is hereby amended as follows:

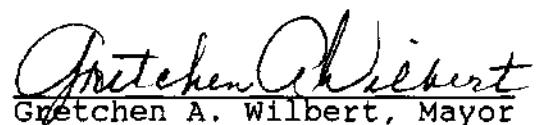
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RCW 46.61.517, including all future amendments thereto.

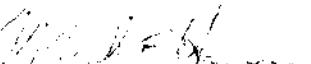
Section 2. This ordinance shall be in full force and take effect five (5) days after publication, according to law.

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PASSED by the City Council of the City of Gig Harbor and  
approved by its Mayor at a regular meeting of the Council  
held this 26th day of May, 1992.

  
Gretchen A. Wilbert

ATTEST:

  
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Mark E. Hoppen

City Administrator/Clerk

Filed with city clerk: 5/8/92  
Passed by city council: 5/26/92  
Date published: 6/2/92  
Date effective: 6/7/92